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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,130

07/21/2003

Arian Koster

PTT-177 (402822US)

8026

7265 7590 03/08/2007

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EXAMINER

THEIN, MARIA TERESA T

ART UNIT

PAPER NUMBER

3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/624,130	<b>Applicant(s)</b> KOSTER ET AL.	
	<b>Examiner</b> Thein Marissa	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicants' "Amendment" filed on December 8, 2006 has been considered.

Applicants canceling claim 1 and adding new independent claim 12 has overcome the Examiner's rejection under 35 USC 101.

Applicants canceling claim 1 and adding new independent claim 12 has overcome the Examiner's rejection under 35 USC 112, second paragraph.

Claims 1 and 9 are cancelled. New claim 12 is added. Claims 2-8 and 10-11 are amended. Claims 2-8 and 10-12 are pending in this application.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitation "providing an identification code referring to said purchaser order from said remote location to said customer location over said first connection" is not supported in the specification.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,727,163 to Bezos in view U.S. Patent No. 6,477,578 to Mhoon.**

Regarding claim 12, Bezos discloses a method for receiving a purchaser order at a remote location from a customer location via a first connection over a network providing an identification code referring to said purchase order from said remote location to said customer location, said purchaser order including a reference number, comprising the steps of: receiving purchaser data and a predefined subset of the reference number at the remote location from said customer location via said first connection (col. 6, lines 46-60; Figure 2); storing he received purchaser data and said subset of the reference number in a storage means of a computer system at the remote location (col. 7, lines 35-36; col. 3, lines 41-43); providing an identification code referring to said purchase order from said remote location to said customer location (col. 11, lines 19-28); receiving at the remote location via second connection the identification code and number digits supplementary to digits or said received reference number (col. 11, lines 33-38; col. 3, lines 47-59); and concatenating, on the basis of said identification code, said subset of the reference number and said supplementary number digits to restore said reference number of said purchase order (col. 11, lines 19-38; col. 3, lines 3-15).

However, Bezos does not explicitly disclose providing an identification code referring to said purchase order from said remote location to said customer location via first connection.

Mhoon, on the other hand, teaches the providing identification information from said remote location to said customer location via first connection (col. 6, lines 37-48) and wherein the first connection and said second connection are connections over the same network (col. 6, lines 23-25; col. 6, lines 62-65).

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Bezos to include providing identification information from said remote location to said customer location via first connection, as taught by Mhoon, in order to provide high level of convenience and efficiency demanded by shoppers (Mhoon, col. 2, lines 15-17).

Regarding claims 2-5 and 7-12, Bezos discloses wherein said second connection is associated with the purchaser order using said identification code (col. 11, lines 19-38; col. 3, lines 47-59); wherein the complete reference number is determined by concatenating the digits in the subset of the reference number and the supplementary reference number digits (col. 11, lines 19-38; col. 3, lines 3-15); first connection is a connection over a non-secure network (Figure 1; col. 8, lines 22-24); the second connection is a connection over a public telephone system (Figure 1; col. 8, lines 57-61); wherein the identification code is shown on-line to the customer after the customer has completed said purchaser order, and the identification code is received from the customer via second connection (col. 11, lines 19-38; col. 3, lines 47-59; Figure 5B);

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wherein the identification code is provided by said computer system to the customer, and the identification code is received from the customer via second connection 9col. 11, lines 19-38; col. 3, lines 47-59; Figure 5B); reference number is a credit card number (col. 2, lines 49-54); and the identification code is a unique code (Figure 5B; col. 11, lines 19-38).

### ***Response to Arguments***

Applicant's arguments with respect to claims 2-8 and 10-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thein Marissa whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot  
March 4, 2007

*Michael Cuff* 3/5/07  
**MICHAEL CUFF**  
**PRIMARY EXAMINER**